IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1172 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

UNION OF INDIA

Versus

MUKUL ENGINEERING

Appearance:

MS PJ DAVAWALA for Petitioners

MR NALIN K THAKKER for Respondent No. 1

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 15/02/2001

ORAL JUDGEMENT

Rule. Mr. Thakkar waives service of rule on behalf of the opponent.

2. In the facts and circumstances of the case, by consent of parties, the matter is taken up for final

hearing today.

3. The revisioners herein are aggrieved by an order passed by 2nd Joint Civil Judge [S.D.], Kutch at Bhuj below Exh. 14 in Regular Civil Suit No. 350/1999, which is preferred by the present respondent. The dispute is regarding a contract entered into between the parties. There is a specific provision for referring the dispute to Arbitrator in the agreement and there is a consensus before this Court that the dispute may be referred to the Arbitrator. The respondent in his affidavit has also stated thus :-

> "The respondent requested Engineer in Chief, Army Head Quarters, DHQ Post, New Delhi by registered Post A.D. vide letter dated 28th October, 1999 to appoint the arbitrator to settle the above matter. The petitioner No. 2 did not agree under letter No. 88167/139/FB dated 19/11/1999 stating that the work has not been completed. Hence, according to condition 70, the dispute is required to be resolved through arbitrator."

4. In view of the fact that there is a consensus between the parties to refer the dispute to an Arbitrator. The impugned order passed by Civil Judge below Exh. 14 on 15/7/2000 is set aside. The revisioners or appropriate authority of the revisioners is directed to refer the matter to an Arbitrator at the earliest, preferably within four weeks from today, since the officers are present in the Court. The revision, therefore, stands disposed of in above terms. Rule made absolute. No costs.

[A.L. DAVE, J.]

* Pansala.